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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

VIOLENA PEREZ MARTINEZ, an
individual, on behalf of herself, and on behalf
of all other aggrieved employees,

PLAINTIFFS,

vs.

OLLI SALUMERIA AMERICANA, LLC;
and Does 1 through 50, Inclusive,

DEFENDANTS.

Case No: 37-2022-00017063-CU-OE-CTL

Action Filed: May 5, 2022

**DECLARATION OF VIOLENA PEREZ
MARTINEZ IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Date: April 7, 2023

Time: 9:00 a.m.

Dept.: 75

Judge: Hon. James Mangione

1 I, VIOLENA PEREZ MARTINEZ, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the
4 above PAGA action filed against OLLI SALUMERIA AMERICANA LLC (hereinafter,
5 “Defendant”).

6 2. I am submitting this declaration in support of Plaintiff’s Motion to Approve PAGA
7 Settlement.

8 3. I seek to represent the State of California and a group of Aggrieved Employees consisting
9 of individuals employed by Defendant as non-exempt employees in California. I worked for Defendant
10 as a non-exempt employee from July 2019 to November 4, 2021. Defendant sells, develops, and
11 commercializes packaged foods throughout California, including San Diego County where I worked.
12 As a non-exempt employee compensated on an hourly basis, I was entitled to legally mandated meal
13 and rest periods, minimum wage and overtime compensation. During my employment, Defendant
14 failed to provide compliant meal and rest periods, furnished inaccurate itemized wage statements,
15 miscalculated the regular rate of pay for purposes of paying overtime, double time and sick pay
16 compensation, among other things. Throughout my employment, I was subject to Defendant’s written
17 policies and procedures.

18 4. I and the Aggrieved Employees, that I am seeking to represent, were subject to the same
19 alleged unlawful employment policies and practices at issue in this action, including but not limited
20 to, Defendant’s failure to provide compliant meal and rest periods, furnish accurate itemized wage
21 statements, and miscalculation of the regular rate of pay for purposes of paying overtime
22 compensation, double time compensation, and sick pay. Factually, Defendant’s policies and practices
23 apply to myself and all Aggrieved Employees, and Defendant’s liability can be determined by facts
24 common to all.

25 5. Further, there is no conflict between my interests and the interests of the Aggrieved
26 Employees that I am seeking to represent. My interests are entirely coextensive with the interests of
27 the Aggrieved Employees. I allege that I was injured by the same company-wide policies and practices

1 to which the Aggrieved Employees were subjected and seek the same relief. I have already
2 demonstrated my ability to advocate for the interests of the state and the Aggrieved Employees by
3 initiating this litigation, communicating with PAGA Counsel about the claims as they apply to myself
4 and others, undertaking extensive document evaluation and evaluating the proposed settlement to
5 assure that it is fair.

6 6. I understood at the time that I filed this action, that as a representative, I owed a duty to
7 the state and the Aggrieved Employees to faithfully prosecute this action with their best interests at the
8 forefront of every decision. I understood that I could not make any decision in this action for the sole
9 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
10 sacrifice my personal best interests for the benefit of the interests of the Aggrieved Employees.
11 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
12 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
13 practices. I believe that I faithfully executed the duties of a representative throughout this litigation
14 and will continue to do until this litigation is fully and finally resolve.

15 7. I believe that the proposed settlement before the court is fair, reasonable and adequate,
16 and made in the best interest of the state and the Aggrieved Employees. I further support the fees being
17 requested by PAGA Counsel in this matter. Consequently, I respectfully, and humbly, ask the Court
18 to grant approval of the Settlement and all of its terms.

19 I declare under the penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed Mar 11, 2023, 2023, at Vp (location/City), California.

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22 By: 
23 VIOLENA PEREZ MARTINEZ
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